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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,306	02/18/2004	Stephen Woo	1162.701	4848

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CHAN LAW GROUP LC  
1055 W. 7TH ST,  
SUITE 1880  
LOS ANGELES, CA 90017

EXAMINER
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REYNOLDS, STEVEN ALAN

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/781,306	WOO, STEPHEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steven Reynolds	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because cross-hatching is not shown in Fig. 3, as it is required in a sectional view (See 37 CFR 1.84(h)(3)). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The abstract of the disclosure is objected to because lines 8-13 of the abstract do not describe the structure of the invention. Correction is required. See MPEP § 608.01(b).

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3. The disclosure is objected to because of the following informalities: On page 7, line 4, "12reapectively" is misspelled and should read as "12 respectively". On page 2, line 8, "Fig. 1B" should be "Fig. 2".

Appropriate correction is required.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: Claim 1 lacks antecedent basis for the term "the laptop computer". Appropriate correction is required.

5. Claim 8 is objected to because of the following informalities: Claim 1 lacks antecedent basis for the term "the handle". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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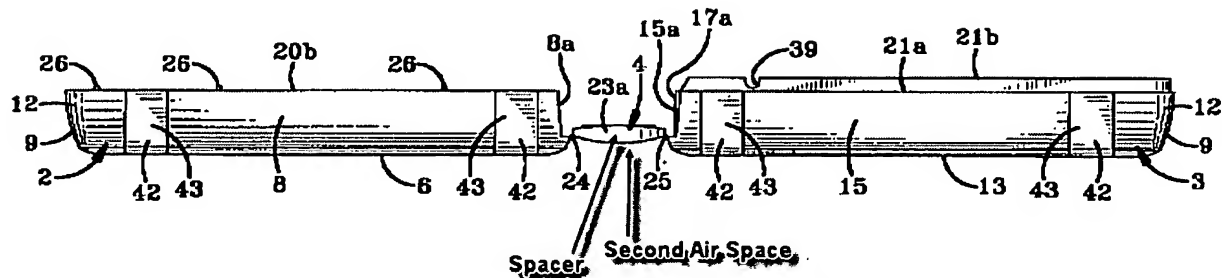
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1, 6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley (US 5,400,903) in view of Sankey et al. (US 5,975,298). Cooley discloses a laptop computer case comprising a tray (15) having a back side (15b), a bottom (6) and at least one support (40); a first air space (44) formed between the laptop computer and the tray by the at least one support engaging the laptop computer; a lid (10) having a top (13) and a back side (10b); at least one privacy screen (125); a light (130) removably attached to the case; and a mouse pad (75). Cooley does not appear to disclose said lid having a liner pad; a spacer; a first hinge attaching the spacer to the back side of the lid; a second hinge attaching the spacer to the back side of the tray; and a second air space formed between the lid and the tray when lid and the spacer are rotated about the first and second hinges respectively to bring the top of the lid adjacent the bottom of the tray.

However, Sankey et al. teaches a container having a spacer (See figure below); a first hinge (25) attaching the spacer to the back side of the lid; a second hinge (24) attaching the spacer to the back side of the tray; and a second air space (See figure below) formed between the lid and the tray when lid and the spacer are rotated about the first and second hinges respectively to bring the top of the lid (13) adjacent the bottom of the tray (6) for the purpose of allowing the lid to completely open and sit on the same plane as the tray. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of

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Cooley with two hinges and a spacer as taught by Sankey et al. for the same purpose to achieve a compact arrangement.



Regarding the lid having a liner pad, it is common in the art to supply said lid with a liner for the purpose of protecting the laptop. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Cooley with a liner pad inside the lid to protect the laptop computer.

9. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley (US 5,400,903) in view of Sankey et al. (US 5,975,298) as applied to claim 1 above, and further in view of Speirs (US 5,857,568). Cooley as modified above discloses all the limitations of the claims except for at least one support further comprising at least one engagement stop, each of the at least one engagement stops secured to the tray at an attachment location; at least one pad each of the at least one pads secured to the tray at a pad attachment location; the attachment location of the at least one engagement stop may be adjusted relative to the tray, and the pad attachment location of the at least one pad may be adjusted relative to the tray.

However, Speirs teaches engagement stops (frame members 48, 50 and 52) and pads (174) secured to the tray at an attachment location (see column 5, lines 7-14); said

engagement stops and pads may be adjusted relative to the tray (column 5, lines 52-58) for the purpose of accommodating and protecting portable computers of various sizes. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified device of Cooley with engagement stops and pads as taught by Speirs for the same purpose.

10. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley (US 5,400,903) in view of Sankey et al. (US 5,975,298) as applied to claim 1 above, and further in view of Jung (US 6,145,661). Cooley as modified above discloses all the limitations of the claims except for a front side hingeably attached to the tray; a wrist support secured to the front side, the front side rotating to expose the wrist pad for use; and at least one door access hingeably attached to the tray.

However, Jung teaches a front side (70) hingeably attached to the tray (See Fig. 5 embodiment); a wrist support (76) secured to said front side; and a door access (80) hingeably attached to the tray (See Fig. 7 embodiment) for the purpose of reducing strain on the hands and to allow electrical cords to be easily attached to a notebook computer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified device of Cooley with a hingeably attached front tray including a wrist support; and also an access door in order to provide cushioning for the user's hands and also gain access to the computer for connecting electrical cords.

11. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley (US 5,400,903) in view of Sankey et al. (US 5,975,298) as applied to claim 1

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above, and further in view of Fahl et al. (US 6,053,381). Cooley as modified above discloses all the limitations of the claims except for a carrying strap retractably attached to the case, and a biasing means to retract the carrying strap within the case; said biasing means further comprises a pulley attached to the biasing means, the handle is looped around the pulley and attached to the case.

However, Fahl et al. teaches a carrying strap (20A) retractably attached to the case, and a biasing means (pulley 60) to retract the carrying strap within the case (See Fig. 4 embodiment) for the purpose of easily adjusting the strap for carrying and to hide strap within case when not in use to save space. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified device of Cooley with a retractable strap as taught by Fahl et al. for the same purpose.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moncrief et al. (US 6,179,122), Hollingsworth (US 5,524,754), Wadden (5,881,932) and Chang (5,214,574).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Reynolds whose telephone number is (571)272-9959. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SR



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